

# **DISCLAIMER**

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## **APPLICATION OF**

**LAKE MONTICELLO SERVICE COMPANY**

**CASE NO. PUE010424**

**For amendment of its certificates  
of public convenience and necessity  
pursuant to Va. Code § 56-265.3 D**

## **HEARING EXAMINER'S RULING**

**February 6, 2002**

On July 26, 2001, Lake Monticello Service Company ("Applicant" or the "Company") filed an application to amend its certificates of public convenience and necessity, Certificate Nos. W-197 (a) and S-64 (a), pursuant to § 56-265.3 D of the Code of Virginia. The Company wishes to amend its certificates to include property adjacent to its current service territory.

On September 28, 2001, the Commission entered an Order for Notice and Comment and/or Requests for Hearing in which, among other things, the Commission ordered the Company to provide public notice of its application, and required any interested person or entity desiring a hearing in this matter to file a written request with the Clerk of the Commission.

By order dated December 14, 2001, the Commission scheduled the matter for hearing, assigned a Hearing Examiner to conduct further proceedings, and established a procedural schedule for the filing of notices of participation, and prefiled testimony and exhibits.

On February 5, 2002, Catherine Neelley, filed a Motion to File Notice of Participation Out of Time, Notice of Participation, and testimony. Ms. Neelley states that she is a Lake Monticello property owner and former president of the Lake Monticello Owners' Association ("LMOA") at the time of the sale of the Company to Aquasource, Inc. Ms. Neelley further states that she filed a letter of testimony in this matter with the Notice of Participation filed by the LMOA on January 22, 2002. The LMOA is considering employing legal counsel for representation at the hearing, and Ms. Neelley wishes to assert her individual right to participate in the hearing.

Counsel for the Company, on February 5, 2002, filed a letter with the Commission stating that the Applicant will file no formal response to the Motion filed by Ms. Neelley, and reserves the right to object to evidence offered by Ms. Neelley until the appropriate time. I am advised that counsel for the Staff has no objection to the Motion. Accordingly,

**IT IS DIRECTED THAT** the Motion to File Notice of Participation Out of Time is granted, and the Notice and testimony are hereby accepted for filing.

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Howard P. Anderson, Jr.  
Hearing Examiner